



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of March 16, 2016

Agenda Item 1. CALL TO ORDER, ROLL CALL

The meeting of the Nebraska State Records Board was called to order by Chairman John A. Gale at 9:05 A.M. on March 16, 2016 in Room 1507 of the State Capitol, Lincoln, Nebraska.

A Roll Call was taken. The following Board members were present:

John Gale, Secretary of State, State Records Administrator and Chairman;
Mike Foley, Lt. Governor, representing the Governor;
Phil Olsen, representing the Auditor of Public Accounts;
Scott Keene, representing the Insurance Industry;
Brenda Ealey, representing Libraries;
Leslie Donley, representing the Attorney General;
Byron Diamond, Director of Administrative Services;
Brian Buescher, representing the Legal Profession;
Don Stenberg, State Treasurer;
Crystal Wichita, representing the Banking Industry

Absent:

Mike Konz, representing the Media;
Greg Osborn, representing the General Public

Staff in attendance:

Colleen Byelick, Legal Counsel
Tracy Marshall, Recording Clerk

Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETINGS ACT

Chairman Gale announced that in accordance with the Nebraska Open Meetings Act, reproducible written materials to be discussed at the open meeting and a copy of the Nebraska Open Meetings Act are located to the left of the public seating area.

Agenda Item 3. NOTICE OF HEARING

Chairman Gale announced public notice of the meeting was duly published in the Lincoln Journal Star January 29, 2016 and on the state's website Public Meeting Calendar. The public notice and proof of publication relating to the meeting will be attached to and made a part of the meeting minutes.

Agenda Item 4. ADOPTION OF AGENDA

Mr. Stenberg moved to adopt the agenda as presented; seconded by Mr. Keene.

Voting For:	Buescher	Diamond	Ealey	Foley	Gale
	Keene	Olsen	Donley	Stenberg	Wichita
Voting Against:	None				

Absent: Konz Osborn

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES

Chairman Gale asked for a motion to approve the minutes of the December 9, 2015 meeting. Ms. Donley moved to approve the minutes; seconded by Mr. Stenberg.

Voting For:	Buescher	Diamond	Ealey	Foley	Gale
	Keene	Olsen	Donley	Stenberg	Wichita

Voting Against: None

Absent: Konz Osborn

The motion carried.

Agenda Item 6. PUBLIC COMMENT

Chairman Gale asked the members of the audience if anyone wished to come forward to provide public comment on anything other than items listed on the agenda. No audience member indicated a desire to provide public comment.

Agenda Item 7. CHAIRMAN'S REPORT

Agenda Item 7.a. AGREEMENTS & ADDENDA

Mr. Brent Hoffman, General Manager, Nebraska Interactive, LLC introduced the following Agreements and Addenda:

Agenda Item. 7.a.1. Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the NE State Records Board and the City of Alma, the City of Fairfield, the City of Gibbon, the Village of Giltner, the City of Oakland and the City of Wood River. Signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.a.2. Addenda (PayPort) (Local) to the Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the NE State Records Board and the City of Alma, the City of Fairfield, the City of Gibbon, the Village of Giltner, the City of Oakland and the City of Wood River. Signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.a.3. Addenda (Event Registration) to the Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the NE State Records Board and the Nebraska Emergency Management Agency and the Nebraska Supreme Court – Public Guardian. Signed by Chairman Gale Pursuant to Board Authority.

Agenda Item 7.a.4. Addendum 8 (Special Designated License Payments) to the Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the NE State Records Board and the Liquor Control Commission. Mr. Diamond moved to approve Addendum 8; seconded by Ms. Wichita.

Voting For:	Buescher	Diamond	Ealey	Foley	Gale
	Keene	Olsen	Donley	Stenberg	Wichita

Voting Against: None

Absent: Konz Osborn

Agenda Item 7.a.5. Addendum 3 (On-line Boiler Inspection) to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and Department of Labor. Mr. Hoffman introduced Christopher Cantrell, Safety Division Director and Chief Boiler Inspector for the Department of Labor to speak about the process and impact of having this information available online. Mr. Cantrell gave a brief presentation regarding the need for the service. Mr. Buescher moved to approve Addendum 3; seconded by Mr. Olsen.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

The motion carried.

Agenda Item. 7.b. Review and Approve revised EGSLA, Statement of Work and Addendum Templates and Authorize Chairman of the Board to sign. Ms. Byelick, Legal Counsel provided a revised electronic government service level agreement (EGSLA), statement of work, and addendum documents and went over why the new documents were needed to be consistent with the new contract with Nebraska Interactive, LLC. Ms. Byelick said she had contacted the Portal Operations Subcommittee via email and asked for feedback which she incorporated into the documents. Mr. Stenberg stated concerns about 14.b.i. in relation to State Statute 81-118.01. A discussion ensued and concluded with Mr. Stenberg indicating that he would request an Attorney General Opinion about the matter. Mr. Hoffman, General Manager with Nebraska Interactive, LLC agreed that he would not provide swipe machines to state agencies until the matter was resolved. Mr. Diamond moved as follows:

I move to approve the template Electronic Government Service Level Agreement, Statement of Work, and Addendum documents as presented to the Board and authorize the Chairman of the Nebraska State Records Board to sign Electronic Government Services Level Agreements and Statements of Work agreements if the approved template is used and report signed Electronic Government Service Level Agreements and Statements of Work to the Board at its next regularly scheduled meeting.

The motion was seconded by Ms. Donley.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

Mr. Stenberg moved that the board seek the Attorney General's opinion concerning what an agency may charge in processing a credit card transaction on-site; seconded by Mr. Keene.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

Ms. Ealey left at 10:40 A.M. and returned at 10:43 A.M.

Agenda Item 7. c. NEBRASKA INTERACTIVE, LLC Outage reports on September 20, 2015 and November 7, 2015. Ms. Byelick explained the letters from Nebraska Interactive, LLC. With respect to the November 7, 2015 outage, Ms. Byelick did confirm with Ed Toner, OCIO that it was a fault with the State's Network, not a function that Nebraska Interactive had any control over and relief was warranted. Ms. Byelick had asked Ms. Donley, Assistant Attorney General to analyze the outage from September 20, 2015 to see if a penalty should be applied. Mr. Stenberg moved to approve the recommendation of the OCIO for the outage from November 7, 2015, and that no penalty be given to Nebraska Interactive LLC due to force majeure; seconded by Mr. Diamond.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

The motion carried.

Mr. Buescher moved to postpone determination of the September 20, 2015 outage and submit to the Portal Operations for review and recommendation for penalty to be applied. Mr. Diamond recommended that Nebraska Interactive provide the Portal Operations Subcommittee a count of how many transactions may have been affected by the outage. Mr. Buescher accepted a friendly amendment to the motion to include information be provided to the Subcommittee; seconded by Ms. Wichita.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

The motion carried.

The Board took a brief recess at 11:05 A.M and reconvened at 11:20 A.M.

Agenda Item 7.d. NSRB Cash Fund Balance Report

Ms. Byelick presented the October 2015 through December 31, 2015 Cash Fund Balance Report for the second quarter of the fiscal year. She explained that due to an error on the previous reports that the Board was being presented with a new report for the first fiscal quarter of the year as well. Mr. Keene moved to approve the Cash Fund Balance Report as reported for two quarters; seconded by Mr. Diamond.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

The motion carried.

Agenda Item 7.e. Grant Update and Discussion.

Chairman Gale explained to the Board that in the course of the deficit process, a transfer of one million dollars from the Records Management Cash Fund had been proposed. Eventually, the amount was reduced to \$500,000. Chairman Gale indicated this transfer would still allow the Board to operate and to hire an Executive Director for the Board who would focus full time on the Board and the relationship with

Nebraska Interactive but was uncertain if any money would be available for grants. Ms. Byelick stated that we would have a better picture of the financial situation by the summer meeting. Chairman Gale also asked that the Portal Operation Subcommittee be involved with the interview process of the Executive Director.

Agenda Item. 7.f. GIS Workshop Update. (This agenda item was presented earlier in the meeting, but for the purpose of these minutes, this item will be discussed as listed on the Agenda.) Chairman Gale introduced and welcomed Joe Heieck – Owner & CEO – GIS Workshop, LLC. Mr. Heieck spoke about what his company does and who they work with, and the steps he has taken to resolve issues that have occurred in the past with communications between the Counties, the Board and OCIO office and what has been done since he bought the company in January 2015.

Agenda Item 8. NEBRASKA.GOV REPORTS

Agenda Item 8.a. State Payment Processing Transition

Mr. Stenberg stated that they had started the implementation of the transition beginning March 1, 2016, and continuing on every Tuesday of the month so that all processing would be transitioned by April 1, 2016.

Agenda Item 8.b. General Manager's Report

Mr. Brent Hoffman, General Manager, Nebraska.gov presented the 4th Quarter 2015 General Manager's Report.

Mr. Foley left at 11:51 A.M. and returned at 11:53 A.M.

Agenda Item 8.c. Project Priority Report

Mr. Hoffman presented the Project Priority Report. Ms. Donley moved to approve the Project Priority Report; seconded by Ms. Ealey.

Voting For:	Buescher Keene	Diamond Olsen	Ealey Donley	Foley Stenberg	Gale Wichita
Voting Against:	None				
Absent:	Konz	Osborn			

The motion carried.

Agenda Item 12. DATE FOR NEXT MEETING

Chairman Gale announced the next NE State Records Board meeting will be held on Wednesday, May 11, 2016 at 9:00 A.M., Room 1507, NE State Capitol, Lincoln, NE.

Agenda Item 13. ADJOURNMENT

Mr. Stenberg moved to adjourn the meeting; seconded by Mr. Olson. All members present signified agreement by saying "aye". Chairman Gale declared the meeting adjourned at 12:02 P.M.

John A. Gale
Secretary of State
State Records Administrator
Chairman, State Records Board

Date